

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**FILED**  
MAY 4 2001  
U. S. DISTRICT COURT,  
E. DIST. OF MO.  
ST. LOUIS

MICHAEL J. DURLEY,

Plaintiff,

V.

ST. LOUIS BOARD OF POLICE  
COMMISSIONERS, et al.,

Defendants.

No. 4:00-CV-1848 CAS

## ORDER

This matter is before the Court on plaintiff's motion for appointment of counsel. The appointment of counsel for an indigent pro se plaintiff lies within the discretion of the Court. Once the plaintiff alleges a prima facie claim, the Court must determine the plaintiff's need for counsel to litigate his claim effectively. In re Lane, 801 F.2d 1040, 1043 (8th Cir. 1986). The standard for appointment of counsel in a civil case is whether both the plaintiff and the Court would benefit from the assistance of counsel. Edington v. Missouri Dept. of Corrections, 52 F.3d 777, 780 (8th Cir. 1995) (citations omitted). This determination involves the weighing of several factors which include the factual complexity of a matter, the ability of an indigent to investigate the facts, the complexity of the legal issues, the existence of conflicting testimony, and the ability of the indigent to present his claim. Plummer v. Grimes, 87 F.3d 1032, 1033 (8th Cir. 1996); Swope v. Cameron, 73 F.3d 850, 852 (8th Cir. 1995).

In this matter, the Court finds that appointment of counsel is not mandated at this time. The action appears to involve straightforward questions of fact rather than complex questions of law, and plaintiff appears able to clearly present and investigate his claim. Thus, the Court will deny plaintiff's motion for appointment of counsel without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel is **DENIED** without prejudice. [Doc. 3]

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 4<sup>th</sup> day of May, 2001.

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE  
FOLLOWING INDIVIDUALS ON 05/07/01 by jjones

4:00cv1848 Durley vs St. Louis Board Comm

42:1983 Prisoner Civil Rights

IF THIS IS A FINAL JUDGMENT YOU MUST SEND THE APPEAL PROCESS LETTER AND  
AN APPEAL PACKET TO PLAINTIFF.

John Bouhasin - 80490

Fax: 314-622-4956

Michael Durley -

4955 Harney

St. Louis, MO 63115

SCANNED & FAXED BY:

MAY X 7 2001

MJM